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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. VN 2006-1839

14 **ELEANOR MONDRAGON, aka**
ELEANOR SANTIAGO
15 316 Rosedale Avenue
Modesto, California 95351

A C C U S A T I O N

16 Vocational Nurse License No. VN 177127

17 Respondent.
18

19 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau"),
23 Department of Consumer Affairs.

24 **License History**

25 2. On or about May 29, 1996, the Bureau issued Vocational Nurse License
26 Number VN 177127 ("license") to Eleanor Mondragon, also known as Eleanor Santiago
27 ("Respondent"). The license will expire on September 30, 1009.

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1 (b) of this section, in which event the record of the conviction is
2 conclusive evidence thereof.

3 7. Code section 2878.6 states, in pertinent part:

4 A plea or verdict of guilty or a conviction following a plea of nolo
5 contendere made to a charge substantially related to the qualifications,
6 functions and duties of a licensed vocational nurse is deemed to be a
7 conviction within the meaning of this article. . . irrespective of a
8 subsequent order under the provisions of Section 1203.4 of the Penal Code
9 allowing such person to withdraw his plea of guilty . . . , or setting aside
10 the verdict of guilty, or dismissing the accusation, information or
11 indictment.

12 COST RECOVERY

13 8. Code section 125.3 provides, in pertinent part, that the Bureau may request
14 the administrative law judge to direct a licentiate found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
16 and enforcement of the case.

17 FIRST CAUSE FOR DISCIPLINE

18 (Criminal Conviction)

19 9. Respondent has subjected her license to disciplinary action under Code
20 section 2878, subdivision (f), in that on or about January 29, 2007, in the Superior Court of
21 California, County of Stanislaus, in the case entitled, *People of the State of California v.*
22 *Eleanor Mondragon* (Super. Ct. Stanislaus County, 2006, Case No. 1221709), Respondent was
23 convicted on her plea of guilty of violating Vehicle Code section 23152, subdivision (b) (Driving
24 Under the Influence of Alcohol with a Blood Alcohol Content of .08% or Above), a
25 misdemeanor. Such crime is substantially related to the qualifications, functions or duties of a
26 vocational nurse.

27 SECOND CAUSE FOR DISCIPLINE

28 (Convictions Involving Alcoholic Beverages)

10. Respondent has subjected her license to disciplinary action under Code
section 2878, subdivision (a), on the grounds of unprofessional conduct as defined in Code

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1 section 2878.5, subdivision (c), in that Respondent was convicted of a crime involving alcoholic
2 beverages, as set forth in paragraph 9, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Used an Alcoholic Beverage in a Manner Dangerous or Injurious)**

5 11. Respondent has subjected her license to discipline under Code section
6 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
7 2878.5, subdivision (b), in that Respondent consumed alcoholic beverages to an extent or in a
8 manner dangerous or injurious to herself, or others, as set forth in paragraph 9, above.

9 **Prior Discipline**

10 12. In prior disciplinary action entitled, *In the Matter of the Denial of*
11 *Application for Licensure Against: Eleanor Santiago*, effective June 16, 1996, the Bureau issued
12 a decision, in which Respondent was issued Vocational Nurse License No. 177127, which was
13 immediately revoked, the revocation stayed, and the license placed on probation for a period of
14 two years with terms and conditions. A copy of that decision is attached as **Exhibit A** and is
15 incorporated by reference herein. The disciplinary action was based upon Respondent's criminal
16 convictions in 1992, 1990, 1988, and 1979.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Bureau of Vocational Nursing and Psychiatric
4 Technicians issue a decision:

- 5 1. Revoking or suspending Vocational Nurse License Number VN 177127
6 issued to Eleanor Mondragon, also known as Eleanor Santiago;
7 2. Ordering Eleanor Mondragon, also known as Eleanor Santiago, to pay the
8 Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Code
9 section 125.3; and,
10 3. Taking such other and further action as deemed necessary and proper.
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12 DATED: July 28, 2008
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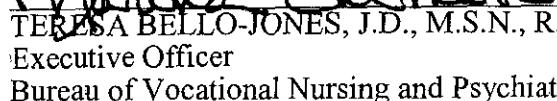
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16 TERESA BELLO-JONES, J.D., M.S.N., R.N.
17 Executive Officer
18 Bureau of Vocational Nursing and Psychiatric Technicians
19 Department of Consumer Affairs
20 State of California
21 Complainant
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Exhibit A

1 BEFORE THE
2 BOARD OF VOCATIONAL NURSE AND
3 PSYCHIATRIC TECHNICIAN EXAMINERS
4 DEPARTMENT OF CONSUMER AFFAIRS
5 STATE OF CALIFORNIA

6 In the Matter of the Denial of)
7 Application for Licensure Against:)
8)
9 Eleanor Santiago)
10 1017 Grand Prix Drive)
11 Modesto, CA 95356)
12 Applicant/Respondent.)
13)
14)

15 STIPULATION FOR
16 SETTLEMENT

17 IT IS HEREBY STIPULATED by and between the Board
18 of Vocational Nurse and Psychiatric Technician Examiners
19 (hereinafter referred to as "Board"), and applicant,
20 Eleanor Santiago (hereinafter referred to as "applicant"),
21 in the above entitled proceedings, as follows:

22 1. That currently pending before the Board is
23 the application dated September 28, 1995, for licensure as
24 a vocational nurse. That applicant was served by certified
25 mail on January 22, 1996, with a letter denying the
26 application for licensure as a vocational nurse, and a copy
27 of relevant Government Code sections.

28 2. Pursuant to Business and Professions Code
29 section 480(a)(1), the Board may deny a license regulated
30 by this code on the grounds that the applicant has been
31 convicted of a crime substantially related to the license;
32 (2) done any act involving dishonesty, fraud or deceit with
33 the intent to substantially benefit herself or another; (3)
34 done any act which if done by a licentiate of the business

1 or profession in question, would be grounds for suspension
2 or revocation of the license.

3 3. Applicant declared under penalty of perjury
4 on her application for licensure, that on or about April
5 10, 1992, in the Stanislaus County Municipal Court, State
6 of California, applicant was convicted of violating Penal
7 Code sections, 594, malicious mischief/vandalism and 647(F)
8 disorderly conduct: alcohol.

9 4. On or about July 9, 1990, in the Municipal
10 Court of California, Santa Clara County Judicial District,
11 applicant was convicted of violating Vehicle Code section
12 14601.1(a), with priors, driving while driving privilege
13 has been suspended or revoked.

14 5. On or about June 27, 1988, in the Municipal
15 Court of California, Santa Clara County Judicial District,
16 applicant was convicted of violating Vehicle Code section
17 23152(A), driving under the influence and Health and Safety
18 Code section 11550, use/under the influence of
19 phencyclidine.

20 6. On or about October 11, 1979, in the
21 Municipal Court of California, San Jose Judicial District,
22 applicant was convicted of violating Vehicle Code section
23 23102(A), drunk driving.

24 7. That the Board and applicant are desirous of
25 resolving this matter without further administrative
26 proceeding. That applicant is fully aware of each of her
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1 rights, including the right to a hearing on the charges and
2 allegations; the right to legal representation; the right
3 to confront and cross-examine witnesses who would testify
4 against her; the right to present evidence in her favor or
5 to call witnesses on her behalf or to so testify herself;
6 and any other rights accorded her pursuant to the
7 California Administrative Procedure Act, (Gov. Code, sec.
8 11500 et seq.); the right to reconsideration and to any
9 other further appeal, that applicant understands that in
10 signing this Stipulation rather than contesting it, she is
11 enabling the Board to deny her license application without
12 further process.

13 That applicant fully and voluntarily waives
14 each and every one of her rights set forth hereinabove;
15 that applicant rather than contesting the charges in the
16 letter of denial presently on file at the Board, for the
17 purpose of the instant proceeding before the Board only,
18 admits and stipulates to the truth and accuracy of each and
19 every one of the allegations and charges of said letter of
20 denial.

21 That foregoing admissions are made only for the
22 purpose of this proceeding and any subsequent proceedings
23 between applicant and the State of California and any of
24 its agencies, and any other government agency charged with
25 the responsibility of licensing or disciplining of
26 licensees, registrants or holders of permits who engage in
27 any health profession or mental health profession including



1 but not limited to the practice of nursing; the admissions
2 may not be used for any other purpose. In the event this
3 stipulation is not adopted by the Board, the admissions
4 made herein shall be null and void, and may not be used by
5 the parties for any purpose.

6 8. That the Board has the authority to deny
7 applicant's application for licensure pursuant to sections
8 480(a) and 2878.6 of the Business and Professions
9 Code.

10 9. Pursuant to Business and Professions Code
11 section 2878.9, the Board may issue an initial license on
12 probation, with specific terms and conditions, to any
13 applicant who has violated any term of this chapter, but
14 who has met all other requirements for licensure and who
15 has successfully completed the examination for licensure
16 within four years of the date of issuance of the initial
17 license.

18 WAIVERS OF RIGHTS

19 10. Applicant has read and understands the
20 charges and violations alleged in the Denial Letter and
21 Stipulation Agreement.

22 11. Applicant hereby gives up, relinquishes and
23 waives the right to a hearing, the right to subpoena
24 witnesses and documents on her behalf, the right to cross-
25 examine witnesses, the right to present evidence in her
26 defense, the right to introduce evidence in mitigation, the
27 right to reconsideration and the right to appeal any



1 adverse decision or order, which might be rendered by the
2 Board following an administrative hearing held pursuant to
3 the provision of the Administrative Procedure Act of the
4 State of California.

5 12. Applicant understands that as a direct
6 consequence of making the admissions in the Stipulation,
7 the Board may suspend and/or revoke her license if she
8 fails to fulfill any of the terms and conditions of the
9 Stipulation.

10 13. Applicant understands that as a direct
11 consequence of making the admissions and waivers in the
12 Stipulation, the Board will limit her right to operate as a
13 licensed vocational nurse in the State of California in
14 accordance with the terms and conditions in the
15 Stipulation.

16 14. The parties agree that the Stipulation
17 recited herein shall be null and void and not binding upon
18 the parties unless approved by the Board. In the event the
19 Board in its discretion does not approve this settlement,
20 this Stipulation is withdrawn and shall be of no
21 evidentiary value and shall not be relied upon nor
22 introduced in any disciplinary action by either party
23 hereto except that applicant agrees that should the Board
24 reject this Stipulation and if this case proceeds to
25 hearing, Applicant will assert no claim that the Board was
26 prejudiced by its review and discussion this Stipulation or
27 of any records relating hereto.



1 15. That based upon all of the foregoing
2 admissions, stipulations, recitals; it is stipulated and
3 agreed that the Board may issue a decision upon this
4 Stipulation whereby, applicant's vocational nurse license
5 shall be issued and immediately revoked; provided, however,
6 said revocation is stayed and said license will be placed
7 on probation for a period of two years on the following
8 conditions:

9 A) OBEY LAWS: Applicant shall obey all
10 federal, state and local laws, including all statutes and
11 regulations governing the license. Applicant shall, within
12 5 days of any arrest, submit to the Board in writing a full
13 and detailed account of the arrest.

14 B) COMPLY WITH PROBATION PROGRAM: Applicant
15 shall fully comply with the terms and conditions of the
16 probation program established by the Board and shall
17 cooperate with the representatives of the Board.

18 C) ADDRESS CHANGE: Applicant, within 5 days
19 of a change of residence or mailing address, shall notify
20 the Board's Enforcement Unit in writing of the new address.

21 D) OUT OF STATE RESIDENCY: Applicant is
22 required to notify the Board immediately in writing if she
23 leaves California to reside or practice in another state.
24 Applicant shall notify the Board immediately upon return to
25 California. The period of probation shall not run during
26 any time applicant is residing or practicing outside of
27 California.

1 E) SUBMIT QUARTERLY REPORTS: Applicant
2 shall submit quarterly reports under penalty of perjury, on
3 a form required by the Board. The reports shall certify
4 and document compliance with all conditions of probation.

5 F) NOTIFY EMPLOYER: When currently employed
6 or applying for employment in any capacity in any health
7 care profession, applicant shall notify her employer of the
8 probationary status of applicant's license. This
9 notification to applicant's current health care employer
10 shall occur no later than the effective date of this
11 Decision. The applicant shall inform any prospective
12 employer of her probationary status prior to accepting such
13 employment. This notification shall be by providing the
14 employer or prospective employer with a copy of this
15 Decision.

16 As used above, " health care profession" includes,
17 but is not limited to, licensed vocational nurse,
18 registered nurse, medical technical assistant,
paramedic, emergency medical technician, certified
nursing assistant and home health aide.

19 Applicant shall cause each of her employers in the health
20 care profession to submit quarterly reports to the Board on
21 a form provided by the Board, which shall include a
22 performance evaluation and such other information as the
23 Board may require. Applicant shall inform the Board in
24 writing of any change in employment status within 10 days
25 of such change.

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1 G) INTERVIEWS WITH BOARD REPRESENTATIVES:

2 Applicant shall appear in person for interviews with the
3 Board or its designee upon reasonable request and with
4 reasonable notice. An initial probation visit will be
5 required by the applicant, within 60 days of the effective
6 date of the Decision, for the purpose of introducing the
7 applicant to the Board's representative and familiarizing
8 applicant with the specific probation conditions and
9 requirements. Additional meetings will be scheduled as
10 required.

11 H) EMPLOYMENT LIMITATIONS: While on
12 probation applicant may not work for a nurses registry, as
13 a faculty member in an accredited or approved school of
14 nursing, or as an instructor in a Board approved continuing
15 education course.

16 I) EDUCATIONAL COURSE: Applicant shall
17 take and successfully complete course work substantially
18 related to the violation. The course work shall be in
19 addition to that required for license renewal. The Board
20 shall within sixty (60) days of the effective date of the
21 Decision, advise the applicant of the course content and
22 number of contact hours required. Within thirty (30) days
23 thereafter, applicant shall submit a plan to comply with
24 this requirement. The Board shall approve such plan prior
25 to enrollment in any course of study. Applicant shall
26 successfully complete the required remedial education no
27 later than the end of the first year of probation. Upon



1 successful completion of the course, applicant shall cause
2 the instructor to furnish proof to the Board immediately.

3 J) FUNCTION IN LICENSED CAPACITY: During
4 probation, the applicant shall work in her licensed
5 capacity in the State of California. This practice shall
6 consist of no less than six (6) continuous months and no
7 less than twenty (20) hours per week.

8 K) MAINTAIN VALID LICENSE: Applicant
9 shall, at all times while on probation, maintain an active
10 current license with the Board, including any period during
11 which suspension or probation is tolled. Should
12 applicant's license, by operation of law or otherwise,
13 expire, upon renewal or reinstatement applicant's license
14 shall be subject to any and all terms of this probation not
15 previously satisfied.

16 L) ATTEND CHEMICAL DEPENDENCY SUPPORT/RECOVERY
17 GROUPS: Within five (5) days of the
18 effective date of the Decision, applicant shall begin
19 attendance at a chemical dependency support group (e.g.
20 Alcoholics Anonymous, Narcotics Anonymous, Nurse Support
21 Group). Documentation of attendance shall be submitted by
22 the applicant with each quarterly report.

23 M) ABSTAIN FROM CONTROLLED SUBSTANCE:
24 Applicant shall completely abstain from the personal use or
25 possession of controlled substances, as defined in the
26 California Uniform Controlled Substances Act, and dangerous
27 drugs as defined in Section 4211 of the Business and



1 Professions Code, except when lawfully prescribed by a
2 licensed practitioner for a bonafide illness.

3 N) ABSTAIN FROM USE OF ALCOHOL: Applicant
4 shall completely abstain from the use of alcoholic
5 beverages during the period of probation.

6 O) SUBMIT BIOLOGICAL FLUID SAMPLES: Applicant
7 shall immediately submit to biological fluid testing, at
8 applicant's cost, upon request by the Board or its
9 designee. There will be no confidentiality in test
10 results; positive test results will be immediately reported
11 to the Board and the applicant's current employer.

12 P) VIOLATION OF PROBATION: If applicant
13 violates probation in any respect, the Board, after giving
14 applicant notice and the opportunity to be heard, may seek
15 to revoke probation and carry out the disciplinary order
16 that was stayed. If an accusation or petition to vacate
17 stay is filed against applicant during probation, the Board
18 shall have continuing jurisdiction and the period of
19 probation shall be extended until the matter is final.

20 Q) COMPLETION OF PROBATION: Applicant's
21 license will be fully restored upon successful completion
22 of probation.

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ACCEPTANCE

I hereby certify that I have read the above
Stipulated Settlement and Disciplinary Order, understand
their terms and agree to be bound thereby.

DATED: 3-29-96

Eleanor Santiago
ELEANOR SANTIAGO
Applicant

The above Stipulation, Order and Terms and
Conditions of probation are hereby accepted and adopted and
shall become the Decision of the Board of Vocational Nurse
and Psychiatric Technician Examiners in this matter. This
decision shall be effective on June 16, 1996.

DATED: May 17, 1996

Charles L. Bennett
CHARLES L. BENNETT
Board President

